

SENATE BILL NO. 214

INTRODUCED BY GEBHARDT, BARKUS, NOENNIG

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DAMAGES TO BE AWARDED FOR THE TAKING OF TIMBER WITHOUT LAWFUL AUTHORITY; STATING THE DAMAGES FOR AN INADVERTENT TAKING; STATING THE DAMAGES FOR A TAKING BY PUBLIC OFFICERS OR EMPLOYEES FOR THE PURPOSES OF A HIGHWAY; STATING THE DAMAGES FOR A WILLFUL, WANTON, OR MALICIOUS TAKING; AMENDING SECTION 70-16-107, MCA; AND REPEALING SECTION 70-16-108, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-16-107, MCA, is amended to read:

"70-16-107. Trespass for taking timber. ~~(1) Any~~ A person who cuts down or carries off any wood, ~~or~~ underwood, tree, or timber or girdles or otherwise injures any tree or timber on the land of another person, or on the street or highway in front of any person's house; ~~or village town~~ or city lot, or on cultivated grounds or on the commons or public grounds of any city or town, ~~or on the street or highway in front thereof of any city or town,~~ without lawful authority, is liable to the owner of ~~such the~~ the land or to ~~such the~~ the city or town for:

(1) the amount of the damages incurred if the trespass was casual and inadvertent or committed under the belief that the land belonged to the trespasser or if the wood was taken by the authority of state or local government officers or employees for the purposes of a highway; or

(2) for treble the amount of damages which may be assessed therefor in a civil action in any court having jurisdiction incurred if the trespass was willful, wanton, or malicious.

~~(2) Nothing in subsection (1) authorizes the recovery of more than the just value of the timber taken from uncultivated woodland for the repair of a public highway or bridge upon the land or adjoining it."~~

NEW SECTION. Section 2. Repealer. Section 70-16-108, MCA, is repealed.

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